

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:

UNITED STATES OF AMERICA

- v. -

DIANA CABANA RUBENSTEIN,  
Defendant.

: PRELIMINARY ORDER OF  
FORFEITURE/  
: MONEY JUDGMENT  
: 17 Cr. 240 (LGS)

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WHEREAS, on or about April 19, 2017, DIANA CABANA RUBENSTEIN (the "defendant"), was charged in an Information, 17 Cr. 240 (LGS) (the "Information"), with conspiracy to commit health care fraud and wire fraud, in violation of Title 18, United States Code, Section 371 (Count One); and health care fraud, in violation of Title 18, United States Code, Section 1347 (Count Two);

WHEREAS, the Information included forfeiture allegations as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of any and all property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offenses alleged in Count One of the Information;

WHEREAS, the Information also included a second forfeiture allegation as to Count Two, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section

982(a)(7), of any and all property, real or personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offenses charged in Count Two of the Information, including but not limited to a sum of United States currency representing the amount of proceeds obtained as a result of the offenses charged in Count Two of the Information;

WHEREAS, on or about April 19, 2017, the defendant pled guilty to Counts One and Two of the Information before a United States Magistrate Judge, which plea has been accepted by a United States District Judge;

WHEREAS, a sum of money equal to \$168,305 in United States currency represents the proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information, and represents the amount of proceeds derived from the offenses charged in Counts One and Two of the Information that the defendant personally obtained; and

WHEREAS, as a result of acts and/or omissions of the defendant, the proceeds derived from the offenses charged in Counts One and Two of the Information that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY ORDERED that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the defendant has pleaded guilty, a money judgment in the amount of \$168,305 in United States currency (the "Money Judgment"), representing the amount of proceeds derived from the offenses charged in Counts One and Two of the Information that the defendant personally obtained and controlled, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, DIANA CABANA RUBENSTEIN, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the "United States Marshals Service", and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture

Fund, and the United States shall have clear title to such forfeited property.


5. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

SO ORDERED:

  
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**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

February 4, 2021  
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DATE